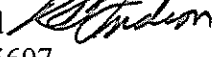


CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: El Paso Water Utilities: Submitted: May 17th, 2005

AGENDA DATE: MAY 31st, 2005 – **CONSENT AGENDA**

The El Paso Water Utilities is requesting this matter be placed on the Consent Agenda for May 31st, 2005 to give the City Attorney's Office time to review.

CONTACT PERSON/PHONE: Robert D. Andron, General Counsel 
El Paso Water Utilities, (915) 594-5607

DISTRICT(S) AFFECTED: District #1, District #4 & District #6

SUBJECT:

Three individual items for underground and transformer electrical easements:

A Resolution authorizing the City Manager to sign an instrument granting an underground electrical easement and one transformer easement to the El Paso Electric Company for the purpose of providing electrical service to San Clemente Reservoir and Pump Site in west El Paso located at 465 San Clemente Drive in a portion of Lot 17, Block 1, San Clemente Subdivision, El Paso, El Paso County, Texas. **(District #1)** [El Paso Water Utilities, Robert D. Andron, (915) 594-5506]

A Resolution authorizing the City Manager to sign an instrument granting an underground electrical easement and one transformer easement to the El Paso Electric Company for the purpose of providing electrical service to Northeast Reservoir and Booster Station in northeast El Paso located near Sean Haggerty and McCombs in a portion of Tract 1A, Section 31, Block 80, Township 1, El Paso, El Paso County, Texas. **(District #4)** [El Paso Water Utilities, Robert D. Andron, (915) 594-5506]

A Resolution authorizing the City Manager to sign an instrument granting an underground electrical easement and one transformer easement to the El Paso Electric Company for the purpose of providing electrical service to Americas Reservoir and Booster Station in east El Paso located at 1260 Southview in a portion of Tract 3B. O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas. **(District #6)** [El Paso Water Utilities, Robert D. Andron, (915) 594-5506]

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

On March 23, 2005, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground (10') electrical easement and one transformer easement (12' x 16') for the purpose of providing electrical service to San Clemente Reservoir and Pump Site in west El Paso located at 465 San Clemente Drive in a portion of Lot 17, Block 1, San Clemente Subdivision, El Paso, El Paso County, Texas.

On March 23, 2005, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground (10') electrical easement and one transformer easement (12' x 16') for the purpose of providing electrical service to Northeast Reservoir and Booster Station in northeast El Paso located near Sean Haggerty and McCombs in a portion of Tract 1A, Section 31, Block 80, Township 1, El Paso, El Paso County, Texas.

(continued on next page)

On March 23, 2005, the El Paso Water Utilities Public Service Board (PSB), passed a resolution requesting the City of El Paso grant an underground (10') electrical easement and one transformer easement (12' x 18') for the purpose of providing electrical service to Americas Reservoir and Booster Station in east El Paso located at 1260 Southview in a portion of Tract 3B, O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas.

PLEASE NOTE: The March 23, 2005 El Paso Water Utilities Public Service Board Resolution requests the Council authorize the MAYOR to sign the easement; however, the authority is delegated to the City Manager now. The Resolution was passed during the transition period.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

These are routine electric easement requests received from El Paso Electric Company to provide electric service to certain properties.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

n/a

BOARD / COMMISSION ACTION:

Approved by the El Paso Water Utilities Public Service Board by Resolution March 23, 2005.

*******REQUIRED AUTHORIZATION*******

LEGAL: (if required) _____

FINANCE: (if required) _____

DEPARTMENT HEAD _____
(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:


CITY MANAGER: _____ **DATE:** _____

Attachments

p:\20052006\MAY2005\CityCouncilItems\ElecEasements\MemoAgendaItemRequestThreeElectricEasements.doc



TO: Joyce Wilson, City Manager
City of El Paso, Texas

FROM: Robert D. Andron, General Counsel 
El Paso Water Utilities Public Service Board

DATE: May 17, 2005

SUBJECT: Request to place Items on City Council Agenda – Consent : MAY 31st, 2005
(Three Individual Resolutions/Electrical Easements)

A Resolution authorizing the City Manager to sign an instrument granting an underground electrical easement and one transformer easement to the El Paso Electric Company for the purpose of providing electrical service to San Clemente Reservoir and Pump Site in west El Paso located at 465 San Clemente Drive in a portion of Lot 17, Block 1, San Clemente Subdivision, El Paso, El Paso County, Texas. **(District #1)** [El Paso Water Utilities, Robert D. Andron, (915) 594-5506]

A Resolution authorizing the City Manager to sign an instrument granting an underground electrical easement and one transformer easement to the El Paso Electric Company for the purpose of providing electrical service to Northeast Reservoir and Booster Station in northeast El Paso located near Sean Haggerty and McCombs in a portion of Tract 1A, Section 31, Block 80, Township 1, El Paso, El Paso County, Texas. **(District #4)** [El Paso Water Utilities, Robert D. Andron, (915) 594-5506]

A Resolution authorizing the City Manager to sign an instrument granting an underground electrical easement and one transformer easement to the El Paso Electric Company for the purpose of providing electrical service to Americas Reservoir and Booster Station in east El Paso located at 1260 Southview in a portion of Tract 3B, O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas. **(District #6)** [El Paso Water Utilities, Robert D. Andron, (915) 594-5506]

BACKGROUND

On March 23, 2005, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground (10') electrical easement and one transformer easement (12' x 16') for the purpose of providing electrical service to San Clemente Reservoir and Pump Site in west El Paso located at 465 San Clemente Drive in a portion of Lot 17, Block 1, San Clemente Subdivision, El Paso, El Paso County, Texas.

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On March 23, 2005, the El Paso Water Utilities Public Service Board (PSB), passed a resolution requesting the City of El Paso grant an underground (10') electrical easement and one transformer easement (12' x 18') for the purpose of providing electrical service to Americas Reservoir and Booster Station in east El Paso located at 1260 Southview in a portion of Tract 3B, O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas.

PLEASE NOTE: The March 23, 2005 El Paso Water Utilities Public Service Board Resolution requests the Council authorize the MAYOR to sign the easement; however, the authority is delegated to the City Manager now. The Resolution was passed during the transition period.

ACTION REQUESTED 3 separate electrical easement requests – underground and transformer

(District #1)

Requesting the City Council authorize the City Manager to sign a document granting an underground electrical easement and one transformer easement for the purpose of providing electrical service to San Clemente Reservoir and Pump Site in west El Paso located at 465 San Clemente Drive in a portion of Lot 17, Block 1, San Clemente Subdivision, El Paso, El Paso County, Texas.

(District #4)

Requesting the City Council authorize the City Manager to sign a document granting an underground electrical easement and one transformer easement for the purpose of providing electrical service to Northeast Reservoir and Booster Station in northeast El Paso located near Sean Haggerty and McCombs in a portion of Tract 1A, Section 31, Block 80, Township 1, El Paso, El Paso County, Texas.

(District #6)

Requesting the City Council to authorize the City Manager to sign a document granting an underground electrical easement and one transformer easement for the purpose of providing electrical service to Americas Reservoir and Booster Station in east El Paso located at 1260 Southview in a portion of Tract 3B, O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas.

REQUEST TO PLACE ITEMS ON THE CITY COUNCIL AGENDA – May 31st, 2005

Attached is a copy of each of the three easements in this request. Upon approval of these items, it is requested that the City Clerk keep one original and return TWO originals to this office so that recording arrangements may be made.

The El Paso Water Utilities is requesting this matter be placed on the Consent Agenda for May 31st, 2005, to give the City Attorney's Office ample time to review.

Please advise this office upon completion of your review and approval of the placement of these items on the City Council Agenda and my secretary will contact the City Clerk and make arrangements to have document packets hand-delivered to the City Clerk's Office and email backup documents as noted to those listed below. If there are any questions, please call me at 594-5607 or email bandron@epwu.org.

I will plan to attend the City Council meeting. Thank you for your kind attention to these matters.

Attachments

Cc: The Honorable Mayor Joe Wardy (email)
City Council Representatives (email)
Pat Adauto, Deputy City Manager for Building & Planning Services (email)
Adrian Occueda, Executive Assistant to the Mayor (email)
Lisa A. Elizondo, City Attorney (email)
Theresa Cullen-Garney, Deputy City Attorney (email)
Richarda Duffy-Momsen, City Clerk (hard copies & email)
Nicholas J. Costanzo, Assistant General Manager (email)
Jim Shelton, Land Administration, PSB (email)

District #6

Americas Reservoir & Booster Station
electric easement request

RESOLUTION

A RESOLUTION REQUESTING THE CITY COUNCIL TO AUTHORIZE THE MAYOR TO EXECUTE AN ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY IN PROPERTY LOCATED IN A PORTION OF TRACT 3B, O.A. DANIELSON SURVEY NO. 312, EL PASO, EL PASO COUNTY, TEXAS, GRANTING AN EASEMENT FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO AMERICAS RESERVOIR AND BOOSTER STATION LOCATED AT 1260 SOUTHVIEW IN EAST EL PASO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there is a need to grant an electrical easement located in land owned by the City of El Paso which is under the jurisdiction of the Public Service Board; and

WHEREAS, EL PASO ELECTRIC COMPANY has requested the CITY OF EL PASO grant an underground (10') electric easement and one transformer easement (12' x 18') for the purpose of providing electrical service to Americas Reservoir and Booster Station located at 1260 Southview in east El Paso in a portion of Tract 3B, O. A. Danielson Survey No. 312, El Paso, El Paso County, Texas, as shown in the attached Exhibit "A"; and

WHEREAS, the PUBLIC SERVICE BOARD deems it in the public interest that this easement be granted.

NOW, THEREFORE, BE IT RESOLVED by the PUBLIC SERVICE BOARD of the City of El Paso El Paso Water Utilities:

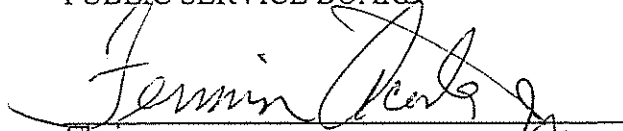
Section 1. That the findings and recitations set out in the preambles to this Resolution are found to be true and correct and that they are hereby adopted by the Public Service Board and made a part of this Resolution for all purposes.

Section 2. That the Public Service Board hereby requests the City Council to authorize the Mayor to execute an electrical easement to El Paso Electric Company in and through the above-described property as shown on the plat attached hereto as Exhibit "A", for TEN DOLLARS (\$10.00) and other good and valuable consideration, and El Paso Electric Company's agreement to relocate its facilities at no cost to the City or the Public Service Board upon request.


Section 3. That a copy of this Resolution shall be transmitted to the City Attorney's Office.

PASSED AND APPROVED at regular meeting of the Public Service Board of the City of El Paso, Texas, this 23rd day of March, 2005, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001 et. seq.

PUBLIC SERVICE BOARD


Chair Fermin Acosta, Jr.

ATTEST:


Secretary Ruben Guerra

APPROVED AS TO FORM:


Robert D. Andron, General Counsel

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INSTRUMENT GRANTING AN UNDERGROUND ELECTRICAL EASEMENT AND ONE TRANSFORMER EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO AMERICAS RESERVOIR AND BOOSTER STATION IN EAST EL PASO LOCATED AT 1260 SOUTHVIEW IN A PORTION OF TRACT 3B. O.A. DANIELSON SURVEY NO. 312, EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, March 23, 2005, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground (10') electrical easement and one transformer easement (12' x 18') for the purpose of providing electrical service to Americas Reservoir and Booster Station in east El Paso located at 1260 Southview in a portion of Tract 3B, O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an underground electrical easement and one transformer easement for service to land in a portion of Tract 3B, O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The City Manager is hereby authorized to sign a document granting an underground electrical easement and one transformer easement for the purpose of providing electrical service to Americas Reservoir and Booster Station in east El Paso located at 1260 Southview in a portion of Tract 3B, O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas.

ADOPTED and EFFECTIVE this the _____ day of _____, 2005.

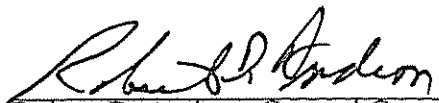
THE CITY OF EL PASO

ATTEST:

Joe Wardy
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Robert D. Andron, General Counsel
El Paso Water Utilities Public Service Board

THE STATE OF TEXAS }
COUNTY OF EL PASO }

EASEMENT

Location Index 4938-2588
School District 063
Work Order No. 04-7-1-70201

For ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the CITY OF EL PASO, hereinafter called Grantor, grants unto El Paso Electric Company, hereinafter called Grantee, its successors and assigns, whose address is P.O. Box 982, El Paso, Texas 79960, the non-exclusive right, privilege, authority and easement to enter upon and erect, construct, operate, remove, inspect, access, and maintain and install underground cables, lines, conductors, conduits, transformer installation including padmount and conventional, ducts, vaults, pullboxes, manholes, handholes, service facilities, fixtures and all other necessary equipment for an underground electric distribution system, with the right of access, ingress, and egress thereto for the installation, construction, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity for which same is or may hereafter be used, over, upon and along the following described premises and the adjoining roads, streets and highways, in the county named above, to-wit:

A portion of Tract 3B, O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas
as shown on the attached print and made a part thereof

with the right to trim any trees and flora and around said electrical equipment so as to keep the electrical equipment cleared, and to do anything reasonably proper and necessary to operate and maintain same.

This easement shall be for the term of the El Paso Electric Company's franchise and any extension and renewal thereof by the City of El Paso. In accepting this easement, the Grantee agrees that upon request it will relocate any of its facilities located within the easement at no cost to the City of El Paso, or its Public Service Board, successors or assigns.

In accepting this grant, Grantee agrees that it will replace landscaping and paving as disturbed by the construction, maintenance or repairs of and to its facilities in and upon such easement.

Grantor reserves the right to full use and enjoyment of said property, except for the purposes herein granted.


Should Grantee abandon the facilities and right-of-way, then the land herein above described shall revert to Grantor, its successors and assigns. Such abandonment shall be conclusively presumed following non-use by Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

WITNESS the following seal and signature this _____ day of _____, 2005.

CITY OF EL PASO

Joyce Wilson, City Manager

APPROVED AS TO FORM:


Robert D. Andron, General Counsel
El Paso Water Utilities Public Service Board

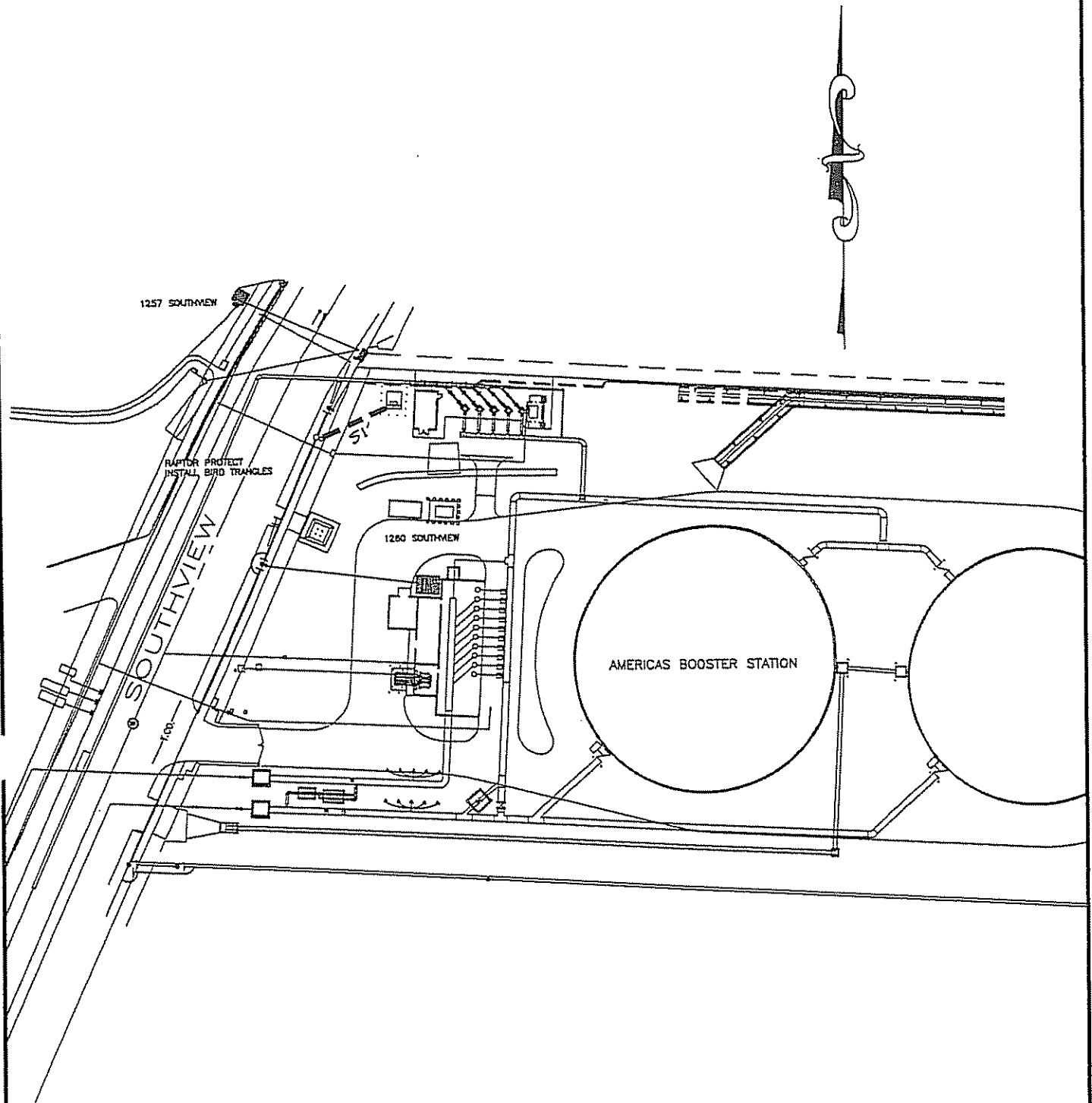
(Acknowledgment on following page)

ACKNOWLEDGMENT

STATE OF TEXAS }
 }
COUNTY OF EL PASO }

This instrument was acknowledged before me on the _____ day of _____, 2005, by
Joyce Wilson as the City Manager of the City of El Paso.

Notary Public in & for
The State of Texas



LEGEND

--- PROPOSED E.P.E. CO. 10 FT. UTIL. ESMT.



16' X 18' TRANSFORMER EASEMENT

GRANTORS INITIALS _____

Return to:
El Paso Electric Co.
P.O. Box 982-Loc 501
El Paso, TX. 79960

PROPOSED EASEMENT IN A PORTION OF
PORTION OF TRACT 3B,
OA.DANIELSON 312,
EL PASO COUNTY, TEXAS

EL PASO ELECTRIC CO. R.O.W.

DATE 1/13/05

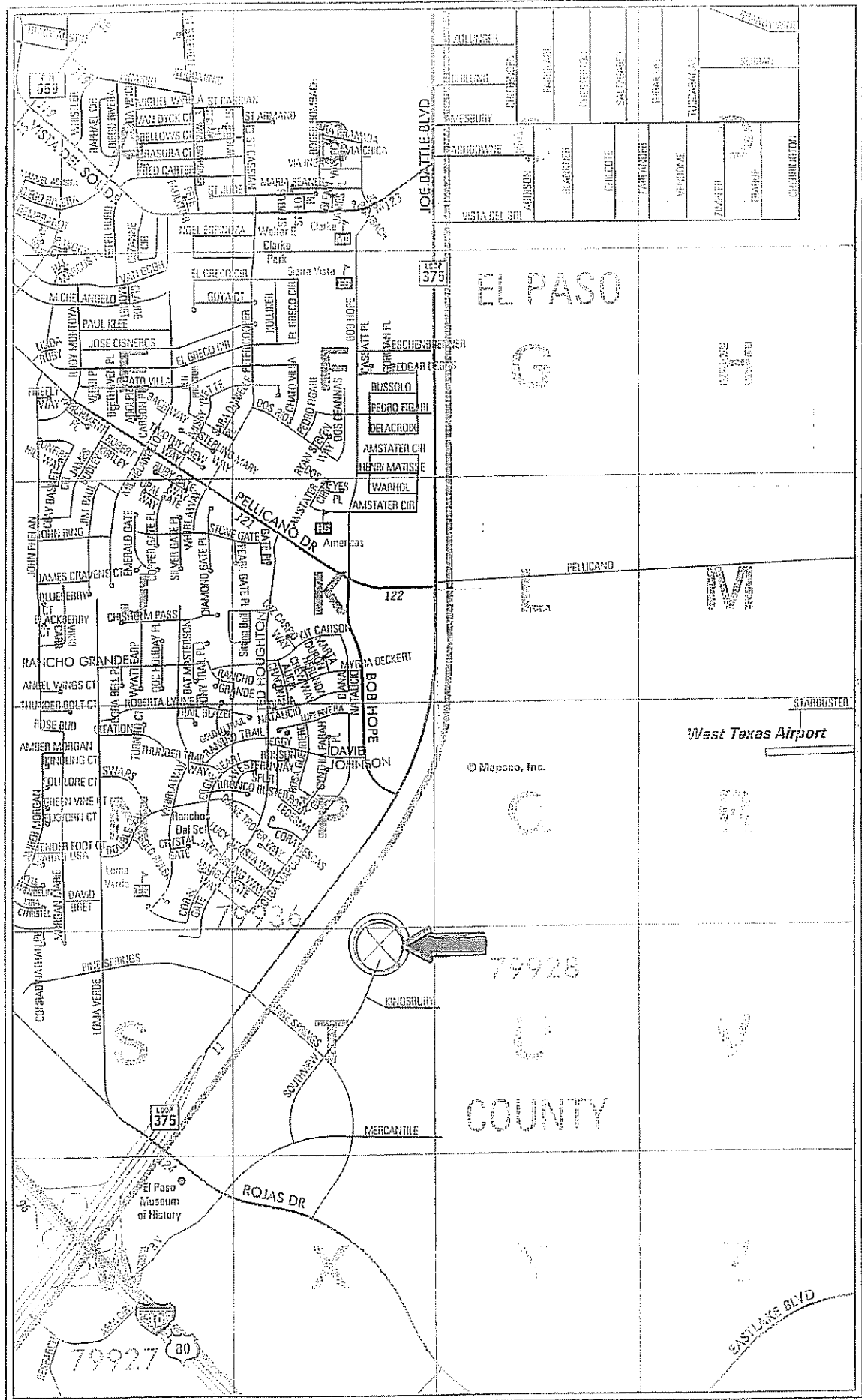
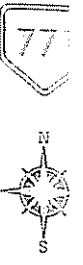
SCALE NONE

EST. NO.

04-7-1-70201



LOCATION MAP ONLY



CONTINUED ON MAP 7-70

LOCATION MAP ONLY

SCALE IN MILES
0 1/2 1/4 1/8 1/16

SCALE IN FEET
0 1000 2000 3000